

ESTTA Tracking number: **ESTTA476586**

Filing date: **06/06/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053911
Party	Plaintiff Ovation LLC
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Submission	Other Motions/Papers
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Date	06/06/2012
Attachments	Motion to Suspend.pdf (3 pages)(35495 bytes)

)	
OVATION LLC, a Delaware limited liability)	
company,)	
)	
Petitioner,)	
)	Cancellation No.: 92-053,911
v.)	
)	
OVATION, INC., a Tennessee corporation,)	
)	
Registrant.)	
)	

Pursuant to 37 C.F.R. § 2.117(c) and Section 510.03(a) of the Trademark Trial and Appeal Board Manual of Procedure, Petitioner Ovation LLC and Registrant Ovation, Inc. (individually, a “Party” and collectively, the “Parties”), hereby submit this stipulated motion, respectfully requesting that the Board suspend proceedings in the above-referenced Cancellation for sixty (60) days (the “Suspension Period”). Good cause exists to approve this suspension because Petitioner’s principal has been diagnosed with a medical condition that required emergency surgery and a lengthy recovery.

Prior to the expiration of the sixty (60) day suspension period, the Parties will submit a status report indicating whether they will resume these proceedings or will request further suspension of these proceedings.

The Parties have further agreed to extend the period for general discovery for sixty (60) days from the date these proceedings are resumed (the “Extended Discovery Period”). The Extended Discovery Period shall not include the re-opening or extending of the deadline for Expert Disclosures, notwithstanding the ability for either Party to file a motion for relief from


that already past deadline. In light of this agreement, Registrant withdraws its pending Motion to Extend the Remaining Deadlines filed on March 27, 2012, and Petitioner withdraws its Opposition to Registrant's pending Motion to Extend Deadlines and its pending Motion to Strike, filed on April 10, 2012 and May 7, 2012 respectively.

This Stipulation has been agreed to by Paige W. Mills, counsel for Registrant, who has indicated her consent thereto and who has authorized the indication of her consent by undersigned counsel. This request is made in good faith and not for the purpose of delay. Accordingly, the Parties respectfully request that the Board suspend this proceeding and thereafter reset dates for the balance of the discovery and trial periods upon resumption of these proceedings.

Respectfully submitted,

Dated: June 6, 2012

OVATION LLC

By: 

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2012, a true and correct copy of the foregoing Stipulated Motion to Suspend Proceedings was served via First Class Mail, postage prepaid, to counsel for Registrant:

Paige W. Mills
BASS BERRY & SIMS PLC
150 Third Avenue South, Suite 2800
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